UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Helmut Jerg et al.
Application Number:	10/562,105
Filing Date:	December 22, 2005
Group Art Unit:	3743
Examiner:	Stephen Michael Gravini
Title:	METHOD FOR OPERATING A DEVICE WITH AT LEAST ONE PARTIAL PROGRAMME STEP OF DRYING

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Appellants submit the following comments in further support of the Appeal of the final rejection of the above-identified application.

The claims of this application are directed to methods that use a sorption column with a reversibly dehydratable material to remove moisture from a flow of air. The Examiner rejected the claims of this application over the Dinh reference. In rejecting the claims, the Examiner took the position that the regenerative heat exchanger disclosed in the Dinh reference is structurally and functionally the same as a sorption column with a reversibly dehydratable material.

In their Appeal Brief, at pages 9 and 10, Appellants explained in great detail that Dinh's regenerative heat exchanger does not include a sorption column with a reversibly dehydratable material, as recited in the claims. Instead, Dinh's regenerative heat exchanger makes use of heat pipes to transfer heat from a first location to a second location. Appellants also explained that the way the Dinh regenerative heat exchanger operates to remove moisture from a flow of air is significantly different from the way that

a sorption column with a reversibly dehydratable material operates to remove moisture from a flow of air.

In the Examiner's Answer, the Examiner again improperly asserts that Dinh's regenerative heat exchanger is structurally and functionally the same as the claimed sorption column with a reversibly dehydratable material. However, after making this assertion the Examiner fails to address all the structural and functional differences between the two systems that were detailed in the Appellant's Appeal Brief.

The Examiner even goes so far as to assert that Dinh's regenerative heat exchanger makes use of a reversibly dehydratable material, which it clearly does not. Not surprisingly, the Examiner is unable to point to any portion of Dinh that indicates that Dinh's regenerative heat exchanger uses a reversibly dehydratable material – because it does not.

The Examiner cannot be allowed to rely upon unsupported assertions. Specifically, the Examiner cannot be allowed to rely upon an assertion that Dinh's system uses a reversibly dehydratable material without providing a shred of evidence to back up this assertion.

Likewise, the Examiner cannot be allowed to rely upon an assertion that Dinh's regenerative heat exchanger is structurally and functionally equivalent to a sorption column with a reversibly dehydratable material without providing at least some evidence to back up the assertion. To date, the Examiner has not provided any evidence or reasoning to back up this assertion, nor has the Examiner been able to point to any portions of the Dinh reference that would support the assertion. In addition, the Examiner has not even attempted to refute all the reasons provided by Appellants as to why this assertion is incorrect.

It is respectfully submitted that the Examiner's assertions are factually incorrect, and that under even the most generous interpretation of the disclosure of Dinh, the Examiner would never be able to show that Dinh's regenerative heat exchanger (1) uses a reversible dehydratable material; or (2) is structurally and functionally the same as a sorption column that uses a reversibly dehydratable material. Thus, for all the reasons explained in detail in Appellant's Appeal Brief, it is respectfully submitted that all rejections based on the Dinh reference should be withdrawn.

Appellant's also note that the Examiner's Answer, at the bottom of page 13, states that Appellants argued that the Tuck reference is non-analogous art. Similarly, at page 15 of the Answer Brief, the Examiner states that Appellants argued that the Chamberlain reference is non-analogous art. In fact, Appellants have never argued that either Tuck or Chamberlain are non-analogous art. Thus, these assertions in the Examiner's Answer Brief are improper and should be ignored.

Claim 14 of the application recites that "…effecting desorption of the reversibly dehydratable material includes at least partly delivering the desorbed moisture from the sorption column into at least one of the treatment chamber and the heat storage device." In addressing this claim in the Answer Brief, the Examiner notes that the claim language is stated in the alternative. And the Examiner takes the position that the Tuck reference discloses a system that operates according to one of the recited alternatives. This assertion by the Examiner is not understood, and it is respectfully submitted that the Examiner is simply incorrect in his statement of the facts.

As explained in Appellant's Appeal Brief, Tuck discloses a system where during a desorption step, the air passing over a reversibly dehydratable material is vented to the atmosphere. Thus, the desorbed moisture released from the reversibly dehydratable material is released into the atmosphere. At page 13 of the Answer Brief, the Examiner appears to agree with Appellants interpretation of Tuck. However, Appellants note that this portion of the Answer Brief appears to quote the language of Tuck. The language appearing in quotation marks at page 13, line 8, of the Answer Brief which reads "by way of leakage of the tumbling drum" does not appear anywhere in Tuck, including the location referenced by the Examiner – column 2, lines 24+.

Nevertheless, to be clear, Tuck discloses that during a desorption step, a flow of heated dry air passes over the reversibly dehydratable material, the moisture emitted by the reversibly dehydratable material is absorbed by this flow of air, and the flow of air is then discharged to the atmosphere.

Returning to claim 14, claim 14 recites that effecting desorption of the reversibly dehydratable material includes at least partly delivering the desorbed moisture from the sorption column into at least one of the treatment chamber and a heat storage device. In Tuck, the desorbed moisture is simply vented to atmosphere. No portion of the

desorbed moisture is delivered to either a treatment chamber or to a heat storage device. Thus, the Examiner's assertion that Tuck discloses one of the alternatives recited in claim 14 is without merit.

For all the reasons provided in Appellant's Appeal Brief, and for the additional reasons given above, it is respectfully submitted that all rejections should be withdrawn.

Respectfully submitted,

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